

**MINUTES  
COLUMBUS BOARD OF ZONING APPEALS  
JULY 27, 2010  
COUNCIL CHAMBERS, 2<sup>nd</sup> FLOOR, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA**

**Members Present:** Mary Ferdon, Chairperson; Dave Bonnell, Secretary;  
Lou Marr, and Tom Wetherald

**Staff Present:** Laura Thayer, Assistant Planning Director; Alan Whitted  
Deputy City Attorney; Emilie Pannell, Associate Planner;  
Heather Pope, Senior Planner; Derek Naber, Associate Planner;  
Bill Klakamp and Stephanie Carr, Code Enforcement

**PUBLIC MEETING**

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

**OLD BUSINESS REQUIRING BOARD ACTION**

**Public Hearing**

**C/CU-10-08: Human Services**

Human Services is requesting a request for a conditional use approval to allow an office use in a 12 (General Industrial) zoning district. The property is located at 1607 Central Avenue in the City of Columbus (**continued from the May 25, 2010 meeting**).

Ms. Ferdon stated that Human Services had requested a continuance to the September, 2010 meeting. Lou Marr made a motion to accept the continuance, seconded by Dave Bonnell. This carried by a vote of 4-0.

**NEW BUSINESS REQUIRING BOARD ACTION**

**Public Hearing**

**C/CU-10-11: Westside Community Church**

Ms. Ferdon stated that the Westside Community Church had requested a continuance until the next meeting.

Dave Bonnell made a motion to continue **C/CU-10-11**. It was seconded by Tom Wetherald and the motion carried with a vote of 4-0.

**C/DS-10-07: Westside Community Church**

Ms. Ferdon said that the Westside Community Church also requested a continuance.

Dave Bonnell made a motion to approve a continuance for **C/DS-10-07**. It was seconded by Lou Marr and it carried with a vote of 4-0.

**C/DS-10-09: Blake Everroad**

Ms. Ferdon read a letter from Blake Everroad requesting that his petition be withdrawn.

Lou Marr made a motion to approve a request to withdraw **C/DS-10-09**. It was seconded by Dave Bonnell and it carried with a vote of 4-0.

**C/CU-10-12: William Purdue**

William Purdue is requesting a conditional use approval to allow a temporary care-giver dependent relative residence in the AP (Agriculture Preferred) zoning district per Zoning Ordinance Section 6.7 (Part 2) (B). The property is located at 8585 South 100 West in Wayne Township. **(Forwarded from the Hearing Officer).**

Ms. Pope began the meeting by presenting the background information into the record.

Ms. Pope said that the case was forwarded to the Board of Zoning Appeals by the Hearing Officer on July 13, 2010. She stated at that meeting a neighboring property owner voiced concern about the location of the proposed temporary mobile home in relationship to her property and the potential effect it could have on the value of her home.

Ms. Pope stated the owner had previously been approved to locate a 14 ft. x 70 ft mobile home at this same location in 1996 for his dependent mother (C/SE-96-13 & C/ZC-11-96-23). A separate sewer system and electric meter were installed for a mobile home at that time. The mobile home was at this location for a few years and then his mother moved the trailer back to a mobile home park.

Ms. Pope stated the petitioner was proposing that the trailer be used to serve as a temporary residence for the property owner's 84 year old mother. The petitioner has

submitted a conditional sewage certificate indicating the septic system that was installed in 1997 does not appear to be malfunctioning at this time. However, prior to the system being used again, a pump and pump alarm inspection will need to be completed by the Bartholomew County Health Department. The petitioner has provided a removal plan with associated cost, which is a requirement of the Zoning Ordinance.

Ms. Pope stated that the Bartholomew County Highway had no comments and the Fire Department would be Jonesville Fire Department and they had no concerns about the proposal.

William Purdue and his mother stated their names and address for the record.

Mr. Purdue said that his mother is 84 years old and her health is failing and he did not want to put her in a nursing home.

The meeting was open to the public.

Connie Coy 8665 S 100 W stated she was opposed to the variance request. She stated there was concern about the trailer being placed at this site affecting her property values.

The meeting was closed to the public.

Lou Marr made a motion to approve **C/ CU-10-12** accepting the finding of fact along with the following conditions:

1. The pump and pump alarm is to be checked and operational prior to sewage disposal into the 1997 system as determined by the Bartholomew County Health Department.
2. A building permit will be needed from Technical Code Enforcement.
3. Annually provide the Planning department with documentation stating (a) the name and medial status of the individual requiring care (as certified by a physician) and (b) the name of the caregiver.

The motion was seconded by Tom Wetherald and the motion passed 4-0.

**C/UV-10-03: First United Methodist Church**

(Community Garden, northeast corner 9<sup>th</sup> Street and Lafayette Avenue)

First United Methodist Church is requesting a use variance from Zoning Ordinance Section 3.12 (A) to allow a community garden in an RE (Residential Established) Zoning district / MX-OL (Mixed Density Neighborhood overlay District).

The property is located on the northeast corner of Lafayette Avenue and 9<sup>th</sup> Street in the City of Columbus.

Ms. Thayer began by presenting the background and findings of fact into the record.

Ms. Thayer stated that a 2007 landscape master plan for the entire church property had been submitted. She stated that it included recommendations to utilize outdoor space for a neighborhood outreach project for a community garden.

Ms. Thayer stated the master plan designates the subject property as a community garden and outdoor worship space. She stated the master plan design is not expected to be implemented in the near future.

Ms. Thayer stated the church has operated the community garden for the past 2 years, plots are assigned on a first-come, first serve basis and 18 plots are available under the current configuration.

Ms. Thayer said that the City Engineer has no concerns about drainage. Also there are no new driveways proposed; and there are no visibility issues.

Mr. John Lemley and Ms. Swanger stated their names and address for the record.

Mr. Lemley said that it had taken the Church some time after purchasing the property to tear down some buildings. He said there are 18 plots at this time and it cost \$10.00 per season per lot. Mr. Lemley stated they do waive the fee for people who have a hardship.

Mr. Lemley said they do have off street parking and sidewalks available at the site.

The meeting was open to the public.

John Stroh stated he was in favor of the request.

Paula Feree was in favor of the variance request.

Ms. Ferdon read a letter from Mark Lindenlaub who was in favor of the request.

The meeting was closed to the public.

Lou Marr made a motion to approve **C/UV-10-03** accepting staffs findings of fact. The motion was seconded by Dave Bonnell, and it carried with a vote of 4-0.

### **C/DS-10-08: MDL Mold & Die Components**

MDL Mold & Die Components is a request for a development standards variance from Zoning Ordinance Section 7.3(Part 1)(C)(3)(C) to allow a new entrance from a public street to have a separation distance of 30 feet, 170 feet less than the required 200 foot separation distance on a collector street; and a development standards variance from Zoning ordinance Section 7.3(Part 1)(D)(1) to allow an entrance drive to be built without curbs from the beginning of an acceleration or deceleration lane., taper , or turning radii up to and including any landscaping area that separates the entrance from parking and loading areas. The property is located at 4572 North Long Road in the City of Columbus.

Ms. Pannell began with a point presentation and read the background into the record.

Ms. Pannell said the intent of the 1-2 (General Industrial) zoning district is as follows: This district is intended to provide locations for general production, assembly, warehousing, and research and development facilities and should be considered as appropriate for most general industrial developments and uses.

Ms. Pannell said the Zoning Ordinance states that no two entrances from a Collectors Street shall be permitted within 200 feet separation distance.

Ms. Pannell said the Zoning Ordinance states that all entrances from streets serving uses other than farms and single, two family dwellings shall be curbed from the beginning of any acceleration or deceleration taper or turning radii up to and including any landscaping area that separates the entrance from parking and loading area.

Ms. Pannell said that the City Engineer is not opposed to the particular request and that the Columbus Fire Department does not have any issues with the variance request.

Petitioners were sworn in by Alan Whitted.

Nolan Bingham and Ms. Forster stated their names and address for the record.

Mr. Bingham showed a diagram of the property and addressed criteria number 3 that had not been met.

Mr. Bingham stated that the requirement of the alignment of the drives creates physical difficulties for the maneuvering of automobiles coming in and out of site. The geometry of the new driveway being serpentine, rather than straight is to create a diverse and more complicated manipulation of a vehicle in the exit and entry of the site.

Mr. Bingham said that the straight drive is less complicated and less attention diverting than a curved drive. He stated that the condition of the drives not being aligned is not an uncommon occurrence to most drives, therefore being familiar and less stressful than some other maneuvering.

He said a strict application of these conditions will cause less safe driving conditions on their site and in the area.

The meeting was opened to the public.

There was no one to speak at the public hearing.

The meeting was closed to the public.

Dave Bonnell made a motion to approve **C/DS-10-08** accepting staffs finding of fact

1 and 2. He stated he agreed that number 3 will result in practical difficulties with the following condition: (1) if the proposed driveway is located in the drip-line of the existing Bradford Pear immediately north of the drive, a qualifying ornamental tree, as defined by the Zoning Ordinance, shall be planted along the Long Road frontage as a replacement. Ms. Marr seconded the motion and it carried with a vote of 4-0.

There was a brief discussion about the drainage.

Lou Marr made a motion to approve **C/DS-10-08** variance request number 2 to allow the installation of a driveway without curbs from the beginning of an acceleration or deceleration lane, taper, or turning radii up to the including any landscaping area that separates the entrance from parking and loading areas. Ms. Marr accepting findings of fact 1, and 2 and accepting petitioners number 3 incorporating the drainage. The motion was seconded by Mr. Bonnell and carried with a vote of 4-0.

### **FINDINGS OF FACT**

The following findings of fact were presented to the Board for Consideration:

#### **C/UV-10-01 Early Head Start**

Dave Bonnell made a motion to accept the findings of fact, and it was seconded by Tom Wetherald. Motion passed by a vote of 4-0.

#### **C/CU-10-07: Indiana Wesleyan University**

Dave Bonnell made a motion to accept the findings of fact, and it was seconded by Tom Wetherald. The motion carried with a vote of 4-0.

#### **C/DS-10-06: Indiana Wesleyan University**

Lou Marr made a motion to accept the findings of fact, and it was seconded by Tom Wetherald. Motion passed by a vote of 4-0.

#### **C/DS-10-05: Daily Farm Market**

Dave Bonnell made a motion to accept the findings of fact, and it was seconded by Lou Marr. Motion passed by a vote of 4-0.

### **APPROVAL OF MINUTES**

Lou Marr made a motion to approve the minutes of the June 29, 2010 meeting, which was seconded by Dave Bonnell. Motion was approved by a vote of 4-0.

### **DISCUSSION**

**Columbus Board of Zoning Appeals  
Minutes of July 27, 2010**

Mary Ferdon thanked Stephanie Carr for doing a good job on the minutes.

Laura Thayer stated that this was Emilie Pannell's last BZA meeting as she was leaving the Department to further her education.

There being no other business the meeting was adjourned.

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Mary Ferdon, Chair

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Dave Bonnell, secretary